

REMARKS/ARGUMENTS

Claims 1, 15, 18 and 21 are currently pending in this application. Claims 3-5 have been canceled without prejudice. Claims 1, 15, 18 and 21 have been amended to more distinctly claim subject matter which the Applicants regard as the invention. The Applicants submit that no new matter has been introduced into the application by these amendments.

Claim Rejections

Claims 1, 3-5, 15, 18 and 21 are rejected under 35 U.S.C 103(a) as being unpatentable by U.S. Patent No. 6,957,070 (Voyer). Claims 3-5 have been canceled.

The Examiner concedes that Voyer "does not specifically disclose determining a slot assignment rank based on a sum of weighted signal interference, code usage and channel spread values." The Applicants agree and the Examiner is respectfully directed to review the features of Figure 3 and the corresponding description in paragraphs [0039]-[0044] of the specification of the instant application. No where in Voyer are the features of the configuration illustrated by Figure 3 of the instant application taught or suggested, whereby weighted signal interference values output from the multiplier 303, code usage values output from the multiplier 305, and channel spread values output by the multiplier 307, are combined together by the combiner 314 to generate a combined score that is compared to combined scores associated with other respective communication stations (e.g., WTRUs) for determining slot assignment ranks.

The Applicants respectfully submit that the Examiner's assertion that "it would have been obvious to one of ordinary skill in the art at the time of the invention was made to rank time slots based on combined characteristics" is based on hindsight of the claimed invention, and there is no concrete basis for the

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Examiner's assertion. Furthermore, the Examiner fails to mention where the specific components and values recited by claims 1, 15, 18 and 21 are disclosed by Voyer.

Based on the arguments presented above, the withdrawal of the rejections of claims 1, 15, 18 and 21 under 35 U.S.C 103(a) is respectfully requested.

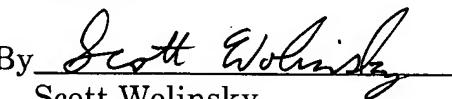
Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing Amendment and remarks, the Applicant respectfully submits that the present application, including claims 1, 15, 18 and 21, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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